

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

KENNETH MAMEA LEUELU,

Defendant and Appellant.

G038557

(Super. Ct. No. 05CF2807)

ORDER MODIFYING OPINION  
AND DENYING PETITION FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed herein on May 28, 2009, be modified as follows:

1. On page 14, at the end of the first new paragraph, add “(*Sanchez*)” as a short cite to the end of the case citation of that name, so that the citation reads:

(*People v. Sanchez* (2003) 113 Cal.App.4th 325, 330 (*Sanchez*).)

2. On page 14, first sentence of the last paragraph, the word “distortion” is changed to “reading” so that the sentence reads:

Defendant’s self-serving reading of the record torpedoes his claim.

3. On page 15, fourth line from top of the page, after the sentence ending “sadistic intent to torture his victim,” insert the following new paragraph:

Defendant protests that Halka admitted the kick may have been administered before the stab wound, but substantial evidence supports the conclusion it occurred later, given the inflamed tissue and white blood cells around the stab wound but not in the rib area. (See *Sanchez, supra*, 113 Cal.App.4th at p. 330 [jury resolves conflicts in evidence, and reviewing court must defer to jurors’ reasonable inferences].) In any event, the sequence matters little given that the jury could reasonably conclude that, in the course of sadistically extracting revenge for a perceived wrong, or in extorting or “persuading” Hermosillo to make recompense (*Burton, supra*, 143 Cal.App.4th at pp. 451-452 [listing torture’s elements]), defendant inflicted extreme pain and suffering by nearly killing his victim twice before finally dispatching him. In these circumstances, the order in which defendant strangled, stabbed, and kicked Hermosillo in the process of killing him is of no consequence.

4. On page 15, third line from bottom of the first full paragraph, correct the spacing in the citation, so that it reads:

(See *Burton, supra*, 143 Cal.App.4th at pp. 451-452.)

These modifications do not change the judgment. The petition for rehearing is DENIED.

ARONSON, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

IKOLA, J.